

APPROVED

December 7, 2016

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS
18753-210 North Frederick Avenue, Gaithersburg, Maryland

In Attendance:

Board Members:

Jim Shalleck, President
Nahid Khozeimeh, Vice President
Mary Ann Keeffe, Secretary
Alexander Vincent
David Naimon
Jacqueline Phillips
Graciela Rivera-Oven

Staff:

Margaret Jurgensen, Election Director
Alysoun McLaughlin, Deputy Director
Lisa Merino, Office Services Coordinator
Margie Roher, Management and Budget Specialist III
Janet Ross, Information Technology Manager
Christine Rzeszut, Operations Manager
Jessica White, Voter Services Manager

Board Counsel:

Kevin Karpinski

Guests:

Nancy Farrar
Dolly Kildee
Barbara Sanders
Michael Subin

Audio of the minutes may be found at the link below:

<https://youtu.be/ZTqq5Qkb-Rs>

Convene the Board Meeting and Declare a Quorum Present

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Mr. Shalleck called the Board meeting to order and declared a quorum present at 3:15 p.m.

Approval of the October 17, 2016, Board Meeting Minutes

Mrs. Khozeimeh moved to accept the October 17 Board meeting minutes as amended. The motion was seconded by Ms. Keeffe and passed unanimously. The Board members discussed whether the Future Meetings section should be included in the minutes of Board meetings and how information should be presented. Ms. Keeffe suggested that a statement be added clarifying that the meeting schedule is as it existed at the time of the meeting and changes may occur at a later date.

Additions/Changes to the Agenda

Mr. Shalleck stated that an Executive Session would be held following the meeting to discuss the future Fiscal Year 18 budget and a personnel matter.

Public Comments

Ms. Sanders commended the Board for an election that ran smoothly. She requested clarification on reported turnout and the number of blank ballots cast. Ms. Roher stated that there are two figures for voter turnout, one that reports turnout as a percentage of only active voters and one that includes both inactive and active voters. Ms. Roher stated that the voter turnout percentage she provides to the public and media includes active and inactive voters as they are all identified as "registered voters" per Mr. Karpinski. Ms. Roher added that the State Board of Elections only uses active voters to calculate the voter turnout.

Ms. McLaughlin clarified that the term blank ballot is when a voter scans a blank page two of the ballot, and that in this case, the term ballot is interpreted as "page." She added that the voter turnout on the Montgomery County Board of Elections website is 73.57% and not the figure used by Ms. Roher and Mr. Karpinski because it is a printout of a report from the state software. Ms. Jurgensen stated the State Board of Elections determines how the figures are reported. Staff explained the reasons why different turnout figures are provided by the State and the County at different times.

Ms. Sanders asked for more explanation to be provided in the future to explain these different numbers. Ms. Jurgensen encouraged her to make that request of the State as well.

Election Director Status Report (Incorporated as Attachment A)**Personnel**

Ms. Jurgensen reported that temporary staff is being released, as projects are completed.

Budget (Incorporated as Attachment B)

A spreadsheet detailing the FY17 expenditures through October 30 was provided in advance. Ms. Roher provided a spreadsheet detailing the FY17 expenditures through November 30. In response to a question from Ms. Keeffe, she stated that charges to date have been generally consistent with the past. She stated that significant charges in personnel are beginning to be reflected. The charges reflect Election Day and the beginning of the Canvass hours and overtime worked. Ms. Roher stated that the second quarter billing from the State Board has not been received to date, but expects the bill to make a significant impact to the budget.

Voter Registration

Ms. Jurgensen reported that Voter Registration opened today (December 7, 2106). She added that staff will begin processing voter registrations received after October 16.

State Board of Elections

Ms. Jurgensen reported that the State Board of Elections is scheduled to certify the 2016 Presidential General Election on December 9, 2016.

Board Attorney Report

Mr. Karpinski reported that a registered voter has appealed the rejection of his provisional ballot. Under HAVA, he is entitled to a hearing, scheduled to be held next Thursday at the State Board of Elections. Mr. Karpinski commented that the voter also requested an absentee ballot for the General Election when he requested his absentee ballot for the Primary Election. He then went to his polling place to vote and because an absentee ballot was already issued, he was given a provisional ballot. The voter did not fill out the provisional ballot application with required information nor did he sign the oath.

Mr. Karpinski and the Board members discussed the preparation of a letter regarding Federal Write-In Absentee Ballots (FWABs) to the State Board of Elections. Board members discussed to whom the letter should be addressed. The Board members agreed that an additional letter regarding the issues with Runbeck should be sent separately.

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Old Business

No information was discussed.

2016 Primary Election

Board Member Observation

Ms. Phillips provided the following comments:

- Complaints received that the fill in circles on the ballot were too small.
- Overall the Election went very well.

Mr. Vincent provided the following comments:

- Election went very well.
- Complaints that the text was too small on the ballot.
- Pleased that additional scanners were deployed promptly to early voting sites.
- International delegation he met with was pleased with how organized the voting process went and was amazed that there were only a few problems.
- The processing of long lines at the Potomac Early Voting site went impressively quickly.

Mrs. Khozeimeh provided the following:

- Complaints that the judge at the scanners did not provide privacy.
- Pleased to see that some judges are so informed, while others are not.
- Complaint with Chief Judge assignments at Early Voting sites. There was discussion that the conversation would continue in Executive Session.

Mrs. Khozeimeh thanked Mr. Subin for his assistance at the Executive Office Building in providing sufficient parking and assisting with managing traffic on the last day of Early Voting.

Ms. Keffe provided the following:

- Considering the new process, staff personnel did a very good job.
- Even when lines were at their worst, voters were amazingly calm and pleased with the organization of the polling places.
- Disappointing to know that Election Judges continue to not show on Election Day.
- Issues were quickly resolved by BOE staff.

Mr. Naimon provided the following:

- Praised the quick response and flexibility of staff when issues occurred, such as when additional scanners were added at early voting.
- Received several requests for additional Election Judges at polling places.

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Mr. Naimon stated that he would like to have a future discussion about a more flexible schedule to better recruit and train judges for Early Voting and Election Day. He requested information regarding a policy that requires judges that work Early Voting to also work Election Day. Ms. McLaughlin clarified the policy and added that it is easier to recruit Election Judges to work during Early Voting than on Election Day. The Board members discussed Election Judge staffing levels for early voting.

Ms. McLaughlin stated that the recruiters had exceeded their targets for recruiting Election Judges for early voting and were authorized to deploy more than had been budgeted. She noted that the department's budget performance measures specified 3,200 Election Judges but that 3,556 were deployed. She provided a handout regarding staffing information for the 2016 Presidential General Election (see updated version as attachment C) Mr. Naimon noted that staffing levels were omitted for Wheaton and the information was later provided to the Board.

Mr. Naimon inquired about whether the Board staff requests feedback from Election Judges. Ms. Woods described the post-election survey in addition to the peer to peer review questionnaire that is sent to all election judges and reviewed by BOE staff. Mr. Naimon requested to see the results of the survey and Ms. Jurgensen stated that results would be presented to the Board at a future meeting in March or April. Mr. Naimon requested to see the questions. A copy was provided to the Board.

Ms. Jurgensen elaborated on the methods that were used to determine the allocation of personnel and equipment. She stated that the amount of equipment provided to the County by the State and the budget constrain the resources that can be deployed to polling places. Mr. Naimon stated that he would like more information about the process that is used and described situations where it has been his assessment that more personnel would be appropriate.

Mr. Naimon described a situation where an Election Judge waived his stipend and asked for a letter stating that he had done so, and requested staff to do more to accommodate and thank Election Judges who do so.

Mr. Naimon stated that everybody involved in advocating and implementing additional scanners at the polling places deserves a lot of credit.

Mrs. Rivera-Oven provided the following:

- Judges serving all day makes for a tiring day.
- Thanked Mr. Subin for provided Handicapped parking at the Executive Office Building.
- Complaints for the lack of handicapped parking at the Silver Spring Civic Center.
- Concerns about managing internal lines at sites including the Germantown Early Voting site due to the layout of the room and options for managing lines including stopping the line at check-in. Discussion ensued about the responsibilities of Election Judges related to line management and the importance of the line management role.

Discussion ensued about the peer to peer evaluation and the process for determining that an Election Judge should not be rehired.

Mr. Vincent stated and other Board members agreed there were concerns with elected officials visiting polling places. Ms. Jurgensen stated that Linda Lamone, State Administrator, worked with the leadership of the legislature to get a letter sent to election officials regarding visits to polling places.

Ms. Khozeimeh stated that there were situations where the Election Judges were not clear on the media guidelines. Ms. Woods stated that the guidelines are provided in the Chief Judge Toolkit. Ms. Roher described the rules regarding the media visiting a polling place and noted that a communications report will be provided in a future Board meeting.

Mr. Shalleck thanked Mr. Subin and the County Executive for their support.

Mr. Subin suggested that more direct communication with office holders and the Central Committees would be helpful for them to better understand the policy and boundaries of election visits.

Ms. Phillips proposed that a letter be written to the County Executive thanking him and acknowledging Mr. Subin's assistance throughout the election process.

Mr. Shalleck provided the following:

- The overall reaction he has received is that the Election went very well.
- There were some issues, which may be expected with the amount of voters that turned out, but overall it went well.
- He stated that he had never met a more dedicated public servant than Ms. Jurgensen and acknowledged the staff's hard work and sacrifice during the election.

Mr. Subin stated that the County Executive was very pleased on how well the election went and thanks the Board staff.

Board Attorney Observation

Mr. Karpinski congratulated the staff and Board for doing a wonderful job. He added that he has been the Board Attorney since 2003 and this by far had been the election with the least amount of complaints received.

Mr. Karpinski expressed concern with the State Board of Elections and issues including the handling of absentee ballots and scanners. He added that the implementation process of Same Day Voter Registration (SDVR) and the voters not found in the preapproved list was unacceptable. Mr. Karpinski stated that he will try his best to take action to ensure that Board members do not have to sit through several days of the canvassing duplication process and reported on discussions so far in pursuing that goal.

Mr. Shalleck thanked Mr. Karpinski for all his guidance, experience and service.

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New Business

Ms. Keeffe stated that the Canvass did not run as smoothly as it has in the past. She requested that the Canvass process be discussed in the January Board Meeting.

Mr. Shalleck requested that Election Judge Recruitment be discussed in the January Board Meeting.

Future Meetings

Mr. Shalleck noted that Mr. Naimon suggested that the scheduled April 17 Board Meeting be moved to April 24, 2017, as it is Easter Monday and the last two days of Passover, noting that schools will be closed. Ms. Keeffe noted that in the past, the April Board meeting has always had the same conflict; however, it did not interfere with the Jewish holiday. She added that Easter Monday has no religious meaning and in this case Passover is being taking into consideration.

The Board agreed to reschedule the meeting from April 17 to April 24, 2017.

Mr. Shalleck announced that the next Board Meeting will be held on January 23, 2017.

Executive Session Minutes from September 19, 2016 and October 17, 2016

Mr. Karpinski noted that Executive Session minutes were provided in advance for review.

Ms. Khozeimeh moved to accept the September 19, 2016 and the October 17, 2016 minutes as amended. The motion was seconded by Ms. Keeffe and passed unanimously.

Adjournment

Mrs. Khozeimeh moved to adjourn the Board meeting at 4:58 p.m. The motion was seconded by Ms. Keeffe and passed unanimously.

Ms. Khozeimeh moved to convene in Executive Session at 4:59 p.m. The motion was seconded by Ms. Keeffe and passed unanimously.

Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:44 p.m., pursuant to State Government Article 10-508(a)(1) and (13) to review the FY18 Operating Budget and a personnel matter.

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The Montgomery County Board of Elections met in closed session on this date. The following members of the Board and staff were in attendance: Jim Shalleck, Nahid Khozeimeh, Mary Ann Keeffe, Alex Vincent, David Naimon, Jackie Phillips, Graciela Rivera-Oven, Margaret Jurgensen, Lisa Merino, Margie Roher, Alysoun McLaughlin and Board Attorney Kevin Karpinski.

The Board members discussed the Fiscal Year Budget for 2018.


Ms. Roher and Ms. Merino left the meeting after discussion of the budget.

Respectfully Submitted,



Lisa Merino
Office Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck
President

Board Meeting

Public Notice sent and posted November 30, 2016.

Need for Executive Session

Quorum

Approval of Minutes

Public Comment – no one signed up

Director's Report

- a. Personnel – releasing staff
- b.. Budget – Margie Roher
- c. Voter Registration – MDVoters opened today
- c. State Board of Elections

Certification on December 9, 2016

Board Attorney Report

Kevin Karpinski

Old Business – nothing

Board member observations

Board Attorney – observations

New Business

Election Judge Recruitment

Alysoun McLaughlin and Leslie Woods

FY17 OPERATING BUDGET SPREADSHEET
Through October 31, 2016 (As of November 8, 2016)

LINE ITEM	FY17 APPROVED	FY17 YEAR TO DATE*
PERSONNEL COSTS	4,087,399	1,313,158
5A001 - Salaries & Wages	3,324,488	1,090,081
50010 - Full Time Salaries	2,189,135	598,474
50012/50020 - Part Time Salaries/Seasonal Temps	684,709	364,885
60168 - Temporary Office Clerical (moved from OP for clarity)	201,329	18,765
SUBTOTAL FOR TEMPORARY PERSONNEL	886,038	383,650
50324 - Overtime (includes emergency, multi-lingual & holiday)	249,315	107,957
5A002 - FICA	226,428	79,483
5A003 - Group Insurance	357,768	92,082
5A004 - Group Retirement	178,715	51,511
OPERATING EXPENSES	4,983,962	1,642,206
6A001 - Services and Contracts	1,648,643	402,577
60060 - Legal/Attorney Services	75,000	36,050
60066 - SBE Program Management	673,318	359,689
60304 - Maintenance - Electrical	0	625
60314 - Maint - Computer Systems	25,000	440
60326 - Repair/Maint Agmts - Office Equip	11,000	3,436
60412 - Moving Services	25,000	2,338
60414 - Building Construction	0	0
60530 - Other Professional Services - EJ Stipend	804,825	0
60532 - Other Non-Professional Services (includes EJ mod.)	34,500	0
6A002 - Maintenance	279,251	132,751
61010 - Computer Equip Repairs/Maint (EPB)	279,251	132,751
6A003 - Rentals/Leases	2,117,620	584,401
61902 - Furniture Rentals (Polling Place)	7,000	0
61924 - Other Equipment Rentals (MDVoters)	735,513	335,113
61926 - Bldg or Space Rental/Leases (Pol. Place)	34,485	2,147
61932 - Other Rentals/Leases (Voting System)	1,340,622	247,141
6A004 - Office Supplies & Equipment (<\$5,000)	168,664	119,234
62010 - General Office Supplies+	70,000	37,570
62016 - Computer Supplies	5,000	350
62018 - Computer Equip (<\$5,000)	28,000	29,906
62022 - Paper and Supplies for Copiers	0	53
62028 - Other Supplies & Equipment	65,664	51,355
6A011 - Books, Videos, and Subscriptions	3,500	505
62700 - Books/Reference Materials	2,500	173
62712 - Other Books, Videos, and Subscriptions	1,000	332
6A012 - Other Supplies/Materials/Equipment	181,674	104,594
62826 - Keys and Locks	0	0
62848 - Tools	0	88
62896 - Parking Meters	0	0
62946 - Charges from SBE	181,674	104,506
6A013 - Printing/Central Duplicating Services	144,406	84,201
63016 - Imaging	10,000	4,178
63018 - Document Shredding	0	0
63020 - Office Mach. Cop. Leasing	11,760	6,136
63022 - Other Central Dup Svc - Printing (all printing costs)	122,646	73,888
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		

FY17 OPERATING BUDGET SPREADSHEET
Through October 31, 2016 (As of November 8, 2016)

LINE ITEM	FY17 APPROVED	FY17 YEAR TO DATE*
6A014 - Outside Printing	100,550	78,813
63100 - Outside Printing/Copying	550	939
63104 - Sample Ballot Printing	100,000	77,875
6A015 - Mail	138,361	104,620
63200 - Central Dup - Postage - Bulk (services, NO postage)	36,530	42,059
63202 - Central Dup - Postage - Individual (PO Box rental)	21,081	1,849
63206 - Inter-Office Mail/Pony Charge	750	2,594
63208 - Other - Mail (Sample Ballot Postage)	80,000	58,118
6A016 - Outside Postage and Mail	90,500	154
63300 - Outside Mail Services (VNCs and all other postage)	90,000	0
63304 - Other Outside Mail Services	500	154
6A017 - Motor Pool	10,965	2,323
63500 - Assigned Motor Pool Vehicles	8,965	2,317
63504 - Daily Rental Motor Pool	2,000	0
63508 - MP EZPASS Charges	0	5
6A018 - Communications Services	33,670	18,915
63604 - Cellular Phone Line Charges	2,800	362
63618 - Blackberry Charges (smart phones)	9,000	3,153
63626 - Communication Modems (SBE)	4,870	0
63634 - Other Communication Services (PP Phone Lines)	17,000	15,400
6A020 - Charges from Others	5,000	0
63810 - Charges for Facility Maintenance	5,000	0
6A021 - Travel	23,996	2,577
64010 - Metropolitan Area Travel	17,996	2,577
64012 - Non-Metropolitan Area Travel	6,000	0
6A022 - Education, Tuition, and Training	10,125	333
64100 - Local Conference Related	2,000	333
64120 - Other Education, Tuition, & Training	8,125	0
6A023 - Dues/Memberships	2,000	0
64200 - Professional Memberships (Individual)	2,000	0
6A024 - Advertising	20,036	5,959
64300 - Advertising - Jobs	0	0
64304 - Advertising - Marketing/Sales	20,036	5,959
6A099 - Miscellaneous Operating Expenses	5,000	249
69999 - Other Misc Operating Expenses	5,000	249
DEPARTMENTAL TOTAL	9,071,361	2,955,364
* Included prior year encumbrances		
+ Includes office supplies, polling place supplies, and office furniture		
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		

FY17 OPERATING BUDGET SPREADSHEET
Through November 30, 2016 (As of December 5, 2016)

LINE ITEM	FY17 APPROVED	FY17 YEAR TO DATE*
PERSONNEL COSTS	4,087,399	2,002,733
5A001 - Salaries & Wages	3,324,488	1,698,809
50010 - Full Time Salaries	2,189,135	763,347
50012/50020 - Part Time Salaries/Seasonal Temps	684,709	545,292
60168 - Temporary Office Clerical (moved from OP for clarity)	201,329	35,299
SUBTOTAL FOR TEMPORARY PERSONNEL	886,038	580,590
50324 - Overtime (includes emergency, multi-lingual & holiday)	249,315	354,872
5A002 - FICA	226,428	123,118
5A003 - Group Insurance	357,768	116,382
5A004 - Group Retirement	178,715	64,424
OPERATING EXPENSES	4,983,962	1,542,395
6A001 - Services and Contracts	1,648,643	353,341
60060 - Legal/Attorney Services	75,000	46,117
60066 - SBE Program Management	673,318	300,386
60304 - Maintenance - Electrical	0	625
60314 - Maint - Computer Systems	25,000	440
60326 - Repair/Maint Agmts - Office Equip	11,000	3,436
60412 - Moving Services	25,000	2,338
60414 - Building Construction	0	0
60530 - Other Professional Services - EJ Stipend	804,825	0
60532 - Other Non-Professional Services (includes EJ mod.)	34,500	0
6A002 - Maintenance	279,251	129,781
61010 - Computer Equip Repairs/Maint (EPB)	279,251	129,781
6A003 - Rentals/Leases	2,117,620	437,050
61902 - Furniture Rentals (Polling Place)	7,000	257
61924 - Other Equipment Rentals (MDVoters)	735,513	162,683
61926 - Bldg or Space Rental/Leases (Pol. Place)	34,485	18,702
61932 - Other Rentals/Leases (Voting System)	1,340,622	255,408
6A004 - Office Supplies & Equipment (<\$5,000)	168,664	142,506
62010 - General Office Supplies+	70,000	59,806
62016 - Computer Supplies	5,000	1,310
62018 - Computer Equip (<\$5,000)	28,000	29,906
62022 - Paper and Supplies for Copiers	0	152
62028 - Other Supplies & Equipment	65,664	51,332
6A011 - Books, Videos, and Subscriptions	3,500	2,010
62700 - Books/Reference Materials	2,500	173
62712 - Other Books, Videos, and Subscriptions	1,000	1,837
6A012 - Other Supplies/Materials/Equipment	181,674	90,210
62826 - Keys and Locks	0	2,705
62848 - Tools	0	88
62896 - Parking Meters	0	0
62946 - Charges from SBE	181,674	87,417
6A013 - Printing/Central Duplicating Services	144,406	124,683
63016 - Imaging	10,000	4,178
63018 - Document Shredding	0	123
63020 - Office Mach. Cop. Leasing	11,760	7,670
63022 - Other Central Dup Svc - Printing (all printing costs)	122,646	112,713
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		

FY17 OPERATING BUDGET SPREADSHEET
Through November 30, 2016 (As of December 5, 2016)

LINE ITEM	FY17 APPROVED	FY17 YEAR TO DATE*
6A014 - Outside Printing	100,550	78,813
63100 - Outside Printing/Copying	550	939
63104 - Sample Ballot Printing	100,000	77,875
6A015 - Mail	138,361	133,122
63200 - Central Dup - Postage - Bulk (services, NO postage)	36,530	70,561
63202 - Central Dup - Postage - Individual (PO Box rental)	21,081	1,849
63206 - Inter-Office Mail/Pony Charge	750	2,594
63208 - Other - Mail (Sample Ballot Postage)	80,000	58,118
6A016 - Outside Postage and Mail	90,500	230
63300 - Outside Mail Services (VNCs and all other postage)	90,000	0
63304 - Other Outside Mail Services	500	230
6A017 - Motor Pool	10,965	4,228
63500 - Assigned Motor Pool Vehicles	8,965	2,317
63504 - Daily Rental Motor Pool	2,000	1,897
63508 - MP EZPASS Charges	0	14
6A018 - Communications Services	33,670	19,629
63604 - Cellular Phone Line Charges	2,800	362
63618 - Blackberry Charges (smart phones)	9,000	3,867
63626 - Communication Modems (SBE)	4,870	0
63634 - Other Communication Services (PP Phone Lines)	17,000	15,400
6A020 - Charges from Others	5,000	0
63810 - Charges for Facility Maintenance	5,000	0
6A021 - Travel	23,996	4,795
64010 - Metropolitan Area Travel	17,996	4,795
64012 - Non-Metropolitan Area Travel	6,000	0
6A022 - Education, Tuition, and Training	10,125	333
64100 - Local Conference Related	2,000	333
64120 - Other Education, Tuition, & Training	8,125	0
6A023 - Dues/Memberships	2,000	0
64200 - Professional Memberships (Individual)	2,000	0
6A024 - Advertising	20,036	21,236
64300 - Advertising - Jobs	0	0
64304 - Advertising - Marketing/Sales	20,036	21,236
6A099 - Miscellaneous Operating Expenses	5,000	427
69999 - Other Misc Operating Expenses	5,000	427
DEPARTMENTAL TOTAL	9,071,361	3,545,127
* Included prior year encumbrances		
+ Includes office supplies, polling place supplies, and office furniture		
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		